

The Gazette of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 301] NEW DELHI, TUESDAY, NOVEMBER 24, 1953

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 23rd November, 1953

S.R.O. 2160.—In exercise of the powers conferred by section 11 of the Chandernagore (Administration) Regulation, 1952 (Regulation I of 1952), the Central Government hereby extends to Chandernagore sections 66 to 557 (both inclusive) of Part III of, and Schedules III, IV, VI, VII, VIII and IX to, the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), as at present in force in the State of West Bengal with the modifications specified in the Schedule hereto annexed in addition to the provisions of the said Act extended thereto by the notification of the Government of India in the Ministry of External Affairs No. 147 Eur.I, dated the 1st April, 1953.

THE SCHEDULE

In the Bengal Municipal Act, 1932 (Ben. Act XV of 1932)—

- (1) save as otherwise expressly provided in this Schedule, in section 66 to 557—
 - (a) for the words "State Government" and "Commissioner of the Division," wherever they occur, the words "Central Government" and "Administrator" shall respectively be substituted; and
 - (b) for the words "any municipality" "every municipality", "each municipality", or "a municipality", wherever they occur, the words "the municipality" shall be substituted;
- (2) after the proviso to sub-section (2) of section 66, the following proviso shall be inserted, namely:—

"Provided further that all persons in the service of the Municipal Council of Chandernagore immediately before the constitution of the municipality of Chandernagore under this Act and any other persons transferred by the Central Government to the service of the said municipality shall, after the date of such constitution or, as the case may be, after the date of such transfer, be deemed to have been appointed under this sub-section and shall continue to be subject to the same terms and conditions of service as applied to such persons immediately before the date of such constitution or such transfer, as the case may be";
- (3) in section 67—
 - (a) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in section 66, the Central Government may, if it thinks necessary after consulting the Commis-

sioners, require the Commissioners to appoint at a meeting all or any of the following officers—

- (a) a Secretary,
- (b) an Engineer,
- (c) a Health Officer, and
- (d) one or more Sanitary Inspectors";
- (b) In sub-section (3), the words "Executive Officer" shall be omitted; and
- (c) sub-section (4) shall be omitted;
- (4) section 68 shall be omitted;
- (5) In section 88—
 - (a) the proviso to sub-section (1) shall be omitted;
 - (b) sub-section (3) and the proviso thereto shall be omitted;
- (6) in section 95, sub-section (3) shall be omitted;
- (7) in section 97, sub-section (3) shall be omitted;
- (8) sections 98, 99, 100 and 101 shall be omitted;
- (9) In sub-section (4) of section 103, for the words and figures "the Indian Registration Act, 1908 or any rule made thereunder", the words "any law for the time being in force relating to the registration of documents" shall be substituted, and the words "Executive Officer" shall be omitted;
- (10) in section 105—
 - (a) after clause (a), the following clause shall be inserted, namely:—

"(b) all sums received by or on behalf of the Commissioner from the Central Government or the State Government by way of grant, subsidy or loan";
 - (b) clause (c) shall be omitted;
- (11) in section 107, clause (a) shall be omitted;
- (12) in sub-section (1) of section 108, clause (xxi) shall be omitted;
- (13) to section 112 the following proviso shall be added, namely:—

"Provided that in respect of the year beginning on the 1st day of April, 1954, and ending on the 31st day of March, 1955, the Commissioners shall prepare a budget estimate of the income and expenditure of the municipality before such date as the Central Government may, by notification, specify in this behalf";
- (14) for section 119, the following section shall be substituted, namely:—

"119. *Apportionment and disposal of municipal property upon a division of the municipality.*—When the municipality is divided into two or more municipalities or the boundaries of two contiguous municipalities are revised by a notification under section 8, the Municipal Fund or Funds, and all property vested in the Commissioners of the municipality or municipalities concerned shall be apportioned or consolidated in such manner as the Central Government may direct.";
- (15) in section 124—
 - (a) in clause (a) of sub-section (1), the words and figure "in any municipality included in Schedule V at a rate exceeding fifteen per centum, or in any other municipality" shall be omitted;
 - (b) sub-section (4) shall be omitted;
- (16) in section 160, for the words "West Bengal" the word "Chandernagore" shall be substituted;
- (17) in section 167, for the words and figures "the Bengal Tenancy Act, 1885" the words "any law for the time being in force regularising relationship between a landlord and a tenant" shall be substituted;
- (18) clause (b) of sub-section (3) of section 168, shall be omitted;
- (19) in sub-section (1) of section 171 for the words "In any municipality in which a tax has been imposed", the words "Where a tax has been imposed by the Municipality" shall be substituted;

(20) in section 174 the words "to the Commissioners of which the tax is due" shall be omitted;

(21) in sub-section (2) of section 183—

(i) at the end of clause (a), the word "and" shall be inserted; and

(ii) the word "and" occurring at the end of clause (b) shall be omitted;

(iii) clause (c) shall be omitted;

(22) section 190 shall be omitted;

(23) in section 200 for the words "which they may have constructed after the commencement of the Bengal Municipal Act, 1884", the words "which may have been constructed by the former Municipal Council of Chandernagore at any time before the constitution of the municipality of Chandernagore under this Act" shall be substituted;

(24) for the proviso to sub-section (3) of section 241, the following proviso shall be substituted, namely:—

"Provided that if the owner or occupier proves that any such structure or fixture was erected before the date of the constitution of the municipality under this Act, the Magistrate shall order reasonable compensation to be paid to any person who suffers damage by the removal of alteration thereof."

(25) sub-section (2) of section 279 shall be omitted;

(26) sub-section (4) of section 281 shall be omitted;

(27) sections 282, 283, 284 and 285 shall be omitted;

(28) in sub-section (2) of section 312, the proviso shall be omitted;

(29) in section 322, clause (e) shall be omitted;

(30) section 328 shall be omitted;

(31) sub-section (2) of section 329 shall be omitted;

(32) in section 334, the proviso shall be omitted;

(33) in sections 341 and 342, after the words and figures "the Indian Limitation Act 1908" wherever they occur, the words "or any similar law for the time being in force" shall be inserted;

(34) section 354 shall be omitted;

(35) in the proviso to clause (xii) of section 370, for the words and figures "the Indian Factories Act, 1934", the words, brackets and figures "the Factories Act, 1948 (LXIII of 1948) or any similar law for the time being in force" shall be substituted;

(36) in section 405, for the words "In any municipality of which" the words "Where" shall be substituted;

(37) in section 445, sub-section (1) shall be omitted;

(38) section 446 shall be omitted;

(39) in section 447 the words and figures "under the Bengal Births and Deaths Registration Act, 1873" shall be omitted;

(40) in section 456, for the words "In every municipality there shall be constituted" the words "There shall be constituted for the municipality" shall be substituted;

(41) section 461 shall be omitted;

(42) in sub-section (1) of section 462, after the words and figures "Calcutta Survey Act, 1887", the words "or any similar law for the time being in force" shall be inserted;

(43) Chapter XXIII shall be omitted;

(44) in the Table accompanying section 500, all references in columns 1, 2, 3 and 4 relating to sections 461, 474 to 493 shall be omitted;

(45) section 529A shall be omitted;

(46) section 543 shall be omitted;

{No. 1015-Eur.I/53.]

A. N. MEHTA, Under Secy.